

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-10521-GAO

BETTY ANNE WATERS, as Administratrix of the  
Estate of KENNETH WATERS,

Plaintiff

v.

TOWN OF AYER, NANCY TAYLOR-HARRIS, in Her  
Individual Capacity, ARTHUR BOISSEAU, In His  
Individual Capacity and PHILIP L. CONNORS, in His  
Individual Capacity,

Defendants

DEFENDANTS' MOTION TO FILE  
DOCUMENTS UNDER SEAL

Now come defendants, Town of Ayer, Nancy Taylor-Harris, Arthur Boisseau and Philip Connors ("Defendants"), and hereby move, pursuant to L.R. 7.2 and Paragraph 5 of this Court's September 26, 2005 Protective Order, for confidential treatment of Exhibits 45 and 55 filed in connection with and support of Defendants' Motions for Summary Judgment (collectively "the Exhibits").

As grounds for this motion, the Defendants state that the previously referenced Exhibits have been designated as "Confidential" by the producing Middlesex County District Attorney's Office. Exhibit 45 is the *Nolle Pros* in the Commonwealth v. Kenneth Waters case executed by the Middlesex District Attorney's Office and Exhibit 55 is a Memorandum from Assistant District Attorney Lynn Rooney.

WHEREFORE, the Defendants respectfully request confidential treatment of the Exhibits in accordance with Paragraph 5 of this Court's September 26, 2005 Order requiring that the documents filed by the Defendants be kept under seal until further Order of the Court.

DEFENDANTS,

By their attorneys

/s/ Joseph L. Tehan, Jr.

Joseph L. Tehan, Jr. (BBO# 494020)

Gregg J. Corbo (BBO# 641459)

Kopelman and Paige, P.C.

Town Counsel

101 Arch Street, 12<sup>th</sup> Floor

Boston, MA 02110

617-556-0007

CERTIFICATION OF COMPLIANCE PURSUANT TO  
LOCAL RULE 7.1(A)(2)

I, the undersigned Janelle M. Austin, Esq., hereby certify that the provisions of Local Rule 7.1(A)(2) have been complied with prior to filing this Motion to File Documents Under Seal. I also certify that on May 30, 2008, I conferred with Robert Feldman, Esq., counsel for plaintiff, in a good faith effort to resolve the issues set forth in the foregoing Motion. I was informed by Mr. Feldman that the plaintiff takes no position with respect to Defendants' Motion to File Documents Under Seal.

/s/ Janelle M. Austin  
Janelle M. Austin

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